

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT

Permittee General Public

Regional General Permit No. SWG-1999-01926

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted structure or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Structures, work, and fill authorized by this Regional General Permit shall be limited to maintenance dredging of existing authorized canals dredged in upland areas whose primary purpose is recreational and commercial navigation, and where all dredged material is placed in upland dredged material placement areas.

Project Location: In all navigable waters of the United States within the Galveston District, excluding waters in Louisiana.

Regional General Permit Conditions:

1. This Regional General Permit will expire on December 31, 2016, unless modified, extended, or revoked.
2. The time limit for completing the work authorized herein ends on December 31, 2016 or, if the Department of the Army authorization is within two years of the expiration of this Regional General Permit, within 2 years of Department of the Army approval.
3. The permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if the permittee abandons the authorized activity unless the permittee makes a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized activity for its authorized purpose and use; the permittee shall obtain a modification of this permit from this office.
4. When the structures or work authorized by this permit are still in existence at the time you sell the property associated with this authorization, you must obtain and submit to the Corps of Engineers a signed statement from the new owner(s) stating that they agree that the terms and conditions of this permit will continue to be binding on the new owner(s) of the property.
5. No activity that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps of Engineers and applicant have complied with the provisions of Section 106 of the National Historic Preservation Act.

6. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the permittee must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
7. No activity will be authorized that is likely to jeopardize the continued existence of a threatened or endangered species or which is likely to destroy or adversely modify the critical habitat of such species as identified under the federal Endangered Species Act.
8. For activities where the District Engineer determines that more than minimal impacts may occur as a result of the proposed structure or work, a Department of the Army standard permit will be required. This Regional General Permit does not apply to work that may impact a Federal enforcement action or to work where construction is initiated prior to satisfying all the terms and conditions of this Regional General Permit.
9. The permittee must allow representatives from this office to inspect the authorized work at any time the Corps of Engineers deems necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this Regional General Permit.
10. This Regional General Permit will not be valid without all other state, local, or regional authorizations required by law.
11. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
12. All applicants shall notify the Corps of Engineers, in writing, prior to initiation of work in waters of the United States, including wetlands. Upon receipt of the notification from the applicant, the District Engineer will advise the inquiring party in writing that the work is authorized under this Regional General Permit, or will request additional information if needed, or will advise that the proposed activity will require review under a Standard Permit. The notification from the applicant shall include:
 - a. A statement of the number of the Regional General Permit under which the work is proposed to be conducted.
 - b. A statement that the work will be conducted in compliance with the terms and conditions of this Regional General Permit.
 - c. A completed and signed Application for Department of the Army Permit (Form ENG 4345).
 - d. A copy of all Department of the Army authorizations previously issued for the work area.
 - e. A description of the dredging method(s) that will be used.
 - f. A vicinity map, plan view, and typical cross section view. Drawings shall include:
 - i. A vicinity map with the precise location of the project marked so that its geographic

coordinates can be determined.

- ii. Plan view (top view) drawings showing the area to be dredged, with dimensions, and the location of dredged material placement sites for the dredged material.
 - iii. Typical cross section view(s) showing mean high tide level and mean low tide level, the existing depth of the canal, and the proposed depth after maintenance dredging.
 - iv. A note on the drawing indicating the total volume of material to be dredged.
 - v. All drawings are to be 8 ½ by 11 inches, of reproducible quality, and submitted in the fewest number of sheets necessary to adequately show the proposed activity.
- g. Water quality certification must be applied for through, and approved by, the Texas Commission on Environmental Quality for the discharge of effluent from an upland dredged material placement area.
13. The proposed work must be part of a single and complete project.
14. No work shall be performed until 30 days after notification of the owner or operator of any marked utilities in the project area.
15. Projects located adjacent to a Federal Channel will be exposed to both private and commercial vessel traffic. By accepting this permit the permittee acknowledges and agrees that the Government will not be held responsible for personal injury or other damages caused to structures or any personal or real property located within the Federal Maintenance Right-of-Way. Potential damages include, but are not limited to: wakes, undercutting, erosion, barge/vessel/dredge damage, vessel collisions, or wave action.
16. Existing projects proposing modifications that continue to meet the terms and conditions of the Regional General Permit may be modified by this Regional General Permit.
17. All construction activities shall be performed in a manner that shall minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
18. This Regional General Permit authorizes maintenance dredging in artificial upland canals only, which are defined as man-made canals used primarily for navigation which do not contain oyster reefs, submergent vegetation, or emergent vegetation within the canal.
19. No work shall be done until the applicant submits satisfactory plans for the proposed activity and receives written acknowledgment of authorization from the District Engineer.
20. The area of the proposed work shall be inspected on a case by case basis by Corps of Engineers personnel prior to acknowledgement of authorization being given. The inspection may use aerial photographs, a visit to the site, or both.
21. Industrial canals previously authorized by individual permits may be maintenance dredged to a depth of 16 feet mean low tide, to the depth specified by the individual permit, or to the minimum depth required by existing vessel traffic, whichever depth is least.
22. Residential and recreational canals (i.e., subdivision canals, marinas, etc.) and all canals constructed prior to December 18, 1968, may be maintenance dredged to a depth of 6 feet below mean low tide, to the depth authorized in the individual permit, or to the minimum depth required by existing vessel traffic, whichever depth is least.
23. No discharge of dredged or fill material into jurisdictional wetlands or waters of the United States will occur. Placement, disposal, stockpiling, or double handling of dredged material in waters of the United States, including wetlands, is not authorized by this permit. If hydraulic dredging is utilized, all dredged material must be placed in a contained (leveed) upland dredged material placement area with a controlled

spillway. Whenever practicable, effluent from the placement areas should be directed back to the canal from which dredged material was taken. Such levees and spillway locations must be shown on the application for the permit.

24. The permittee is required to coordinate the use of previously authorized Corps of Engineers dredged material placement areas with the Corps of Engineers Operations and Maintenance Branch prior to commencement of work.
25. The permittee must cease dredging within Texas Parks and Wildlife Department-designated thermal refuges during the time period when the Texas Parks and Wildlife Department declares them closed to fishing.

Further Information:

1. Congressional Authorities: You have been authorized to construct the structure described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- () Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

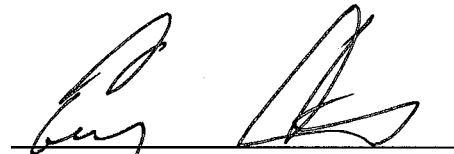
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Failure to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. Condition 2 establishes a time limit for the completion of construction of the structure authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized structure or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

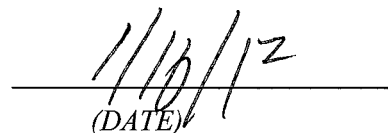


(DISTRICT ENGINEER)

CASEY CUTLER

Chief, Policy Analysis Section

FOR COLONEL CHRISTOPHER W. SALLESE



(DATE)